

1 TONY WEST
Assistant Attorney General
2 JOHN R. TYLER
Assistant Branch Director
3 ERIC B. BECKENHAUER, CSBN 237526
Trial Attorney

4 U.S. Department of Justice
5 Civil Division, Federal Programs Branch
20 Massachusetts Ave. NW
6 Washington, DC 20530
Telephone: (202) 514-3338
7 Facsimile: (202) 616-8470
E-mail: eric.beckenhauer@usdoj.gov

8 Attorneys for Defendants
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 NATIONAL LAWYERS' GUILD SAN
14 FRANCISCO CHAPTER, et al.,

No. C 08-5137 RS

15 Plaintiffs,

**JOINT STATUS REPORT
AND STIPULATION TO STAY
PROCEEDINGS; AND [~~PROPOSED~~]
ORDER**

16 v.

17 U.S. DEPARTMENT OF HOMELAND
18 SECURITY, et al.,

Defendants.
19 _____/

20
21 WHEREAS, in an effort to narrow the issues before the Court,

22 1. The parties have entered into a series of stipulations to stay proceedings since April
23 24, 2009, to allow Defendants to conduct secondary searches and process potentially responsive
24 records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the
25 Court's intervention. On October 30, 2009, as a result of those negotiations, Plaintiffs stipulated that
26 they did not contest the adequacy of the searches performed by Defendants DHS, DHS-OIG, or
27 CIS, or the propriety of the withholdings made by DHS-OIG; accordingly, pursuant to Rule
28 41(a)(1)(A)(ii), the parties filed a stipulation of dismissal of this action with prejudice with respect

1 to those Defendants. Negotiations continued with respect to the remaining Defendants: CBP,
2 EOIR, and ICE. Most recently, on August 27, 2010, the Court approved the parties' stipulations
3 (a) to further stay proceedings through and including November 30, 2010, and (b) to submit a joint
4 report advising the Court on the status of negotiations and processing, and/or a stipulation proposing
5 a schedule to govern further proceedings, no later than November 30, 2010; and

6 2. EOIR has provided Plaintiffs with a letter describing the scope of its search and a
7 preliminary, partial Vaughn index explaining the bases for its withholdings. In response, Plaintiffs
8 have stipulated that they do not contest either the adequacy of the search performed by EOIR, or
9 the propriety of the withholdings made by EOIR; and

10 3. ICE has provided Plaintiffs with a letter describing the scope of its search and a
11 preliminary, partial Vaughn index explaining the bases for its withholdings. In response, Plaintiffs
12 have stipulated that they do not contest either the adequacy of the search performed by ICE, or
13 the propriety of the withholdings made by ICE; and

14 4. CBP has provided Plaintiffs with a letter describing the scope of its search and a
15 preliminary, partial Vaughn index explaining the bases for its withholdings; Plaintiffs have
16 responded with several objections and/or requests for clarification; and the parties have continued
17 to confer to discuss the scope of CBP's search and the propriety of its withholdings. Plaintiffs are
18 not yet prepared to stipulate to the adequacy of CBP's search or the propriety of its withholdings;
19 however, further negotiation may eliminate the need for judicial resolution of these issues. The
20 parties have agreed to confer again by December 15, 2010, to discuss these issues; and

21 WHEREAS it would minimize litigation costs and conserve judicial resources to stay
22 further proceedings in this case to permit the above-mentioned negotiations to continue, and to
23 permit the parties to confer further as described above;

24 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through
25 undersigned counsel, subject to the approval of the Court, that:

- 26 1. Further proceedings in this case are stayed for a period of approximately 2 months
27 through and including January 31, 2011, and
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2. No later than January 31, 2011, the parties shall submit a joint report advising the Court on the status of the above-mentioned negotiations and/or a stipulation proposing a schedule to govern further proceedings.

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1 Dated: November 30, 2010

2 Respectfully submitted,

3 /s/ Jayashri Srikantiah
4 JAYASHRI SRIKANTIAH
5 IMMIGRANTS' RIGHTS CLINIC
6 STANFORD LAW SCHOOL
7 559 Nathan Abbott Way
8 Stanford, CA 94305
9 Tel: (650) 724-2442
10 Fax: (650) 723-4426

11 LINTON JOAQUIN
12 KAREN TUMLIN
13 NATIONAL IMMIGRATION
14 LAW CENTER
15 3435 Wilshire Boulevard, Suite 2850
16 Los Angeles, CA 90010
17 Tel: (213) 639-3900
18 Fax: (213) 639-3911

TONY WEST
Assistant Attorney General

JOHN R. TYLER
Assistant Branch Director

/s/ Eric B. Beckenhauer
ERIC B. BECKENHAUER, CSBN 237526
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave. NW
Washington, DC 20530
Telephone: (202) 514-3338
Facsimile: (202) 616-8470
E-mail: eric.beckenhauer@usdoj.gov

Attorneys for Defendants

12 JARED KOPEL
13 LISA A. DAVIS
14 DOMINIQUE-CHANTALE ALEPIN
15 WILSON SONSINI GOODRICH &
16 ROSATI
17 Professional Corporation
18 650 Page Mill Road
19 Palo Alto, CA 94304-1050
20 Tel: (650) 493-9300
21 Fax: (650) 565-5100

Attorneys for Plaintiffs

22 SIGNATURE ATTESTATION

23 In accordance with General Order 45(X), I hereby attest that I have obtained Jayashri
24 Srikantiah's concurrence in the filing of this document.

/s/ Eric B. Beckenhauer
ERIC B. BECKENHAUER

25 **[PROPOSED] ORDER**

26 Pursuant to stipulation, **IT IS SO ORDERED.**

27 Dated: 1/7/11


RICHARD SEEBORG
United States District Judge